

REMARKS

Claims 1 and 2 have been amended. Thus, Claims 1-5 are pending in the present application.

Claim Rejections under 35 USC §112:

The Examiner rejected claim 1 for failing to comply with the written description requirement and for being indefinite. Applicant amended claim 1 to more clearly point out the subject matter of the present invention. No new matter has been added. Thus, Applicant believes that claim 1 is now clear and definite.

Claim rejection under 35 USC §102:

Claims 1-5 have been rejected under 35 U.S.C. 102(b), as being anticipated by Clark (US 5,765,001). Applicant respectfully disagrees.

As stated above, Applicant amended independent claim 1 to more clearly disclose the concept of the present invention. According to the present invention there are two types of software and software and hardware drivers. A first type allows for an idle status and the second type does not allow for an idle status. If a software allows for an idle status, the operating system can put the whole system into an idle status. An idle status allows a user to power down the system and restart the system at a later time from the point where it has been powered down. However, if the system runs software and/or software and hardware drivers that do not support such an idle status, then the operating system will not allow the introduction of the idle status.

According to the present invention, this problem is circumvented by a specific method of operating such a system. First, the system terminates all programs that do not support the idle status, such as for example an specific automation software package which includes real time software that cannot be put into an idle status. The, the system initiates an idle status. The system then shuts down the respective software and drivers that allow for an idle status and is able to save all relevant data. Upon a wake up signal, the system is now started up again, whereby all software and drivers necessary for the operating system are started. As a final step, the software application which does not support the idle status is started.

Clark does neither mention nor suggest such a method. The Examiner stated that Clark discloses in col. 19, lines 10-18 that software and/or software and hardware drivers which

do not have idle status support are terminated. Applicant reviewed the cited paragraph, however, Applicant was unable to identify any mentioning of software or drivers that do not support an idle status. Clark is completely silent with that respect. Applicant thoroughly studied Clark and could not find anywhere the above mentioned problem of software with or without idle status support. However, this is the core element of the present invention because whenever a system runs software that does not support idle status under an operating system that supports idle status, such an idle status cannot simply be initiated because the operating system will block its execution. Applicant, therefore, believes that the present claim 1 is allowable.

The dependent claims 2-5 include all the limitations of the independent claim 1 and are, therefore, allowable at least to the extent of claim 1.

Therefore, Applicant respectfully requests allowance of the present set of claims.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §112 and §102 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0276.

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